

Applicant : William Stuart Somers *et al.*
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Attorney's Docket No.: 16163-005001 / AM100379

REMARKS

In response to the Office Action mailed March 25, 2004, Applicants cancelled claims 1-6, 14 and 15, amended claims 7-13 and added new claims 16 and 17. Claims 7-13, 16 and 17 are presented for examination.

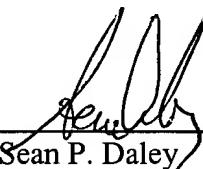
The Examiner rejected claims 7-13 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 7-13 cover *in silico* screening methods. The U.S.P.T.O. has specifically addressed the patentability of such claims. (See Comments of the USPTO to the Trilateral Report WM4 at pages 69-74.) In particular, the U.S.P.T.O. has stated that claims covering *in silico* screening methods correspond to statutory subject matter. (See *id.* at page 71, note A1.) Accordingly, Applicants request reconsideration and withdrawal of the rejection under 35 U.S.C. §101.

The Examiner rejected claims 7-13 under 35 U.S.C. §102(e) as being anticipated by Ljunggren (U.S. 6,228,990). However, Ljunggren does not disclose a crystal structure of ER- β having a resolution of 1.83 \AA or less, as required by claims 7-13. Applicants therefore request reconsideration and withdrawal of the rejection under 35 U.S.C. §102(e).

Applicants believe the application is in condition for allowance, which action is requested. Enclosed is a Petition for a One Month Extension of Time, along with a check to cover the associated fee. Please apply any other necessary charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 7/20/04



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